

# ***Your Child***

A Parent's Guide to Health and Safety



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Prepared by the Michigan Legislature

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# ***Your Child's Health***

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*"Your Child's Health" is designed as a record of your child's medical history and other important information pertaining to your child's health and safety.*

## ***Emergency Information for Your Child***

### **Poison**

If you think your child may have been poisoned, immediately call a poison control center, a hospital, or your doctor. You most likely will be instructed to give the child ipecac syrup, which causes vomiting, then activated charcoal which helps prevent the poison from entering the system.

### **Burns**

If your child has been scalded or burned, call your doctor. If the injury is to an arm or leg, place it in cool water; otherwise, apply a clean cloth dipped in cool water to the area. Leave any blisters alone and be sure to keep the burn free of ointments, greases, or powders. Until the child can see a doctor, cover the area loosely with a clean material that won't stick to the wound.

### **Head Injuries**

If you think your child has a head injury, have him or her rest quietly and call your doctor immediately. Warning signs related to a head injury include a loss of consciousness, the inability to move arms or legs, drainage of blood or other fluid from the nose, mouth, or ears. Other signs include a headache, dizziness, vomiting that won't stop, uneven pupils, or a child who cannot be awakened.

### **CPR**

All parents should know cardiopulmonary resuscitation (CPR). Learn CPR so you will be able to save the life of a child who is not breathing because of choking, drowning, electrical shock, or smoke inhalation. Classes in CPR are offered in most communities. Call your local American Heart Association, the American Red Cross, or your doctor to get information on enrollment.

### **Social Security Number**

In order to claim your child as a dependent on your income tax returns, you must get him or her a Social Security number. To file for a Social Security card, contact your local Social Security district office. You will need to show your child's birth certificate and proof of your identity (driver's license, etc.).

### **Blood Type Information**

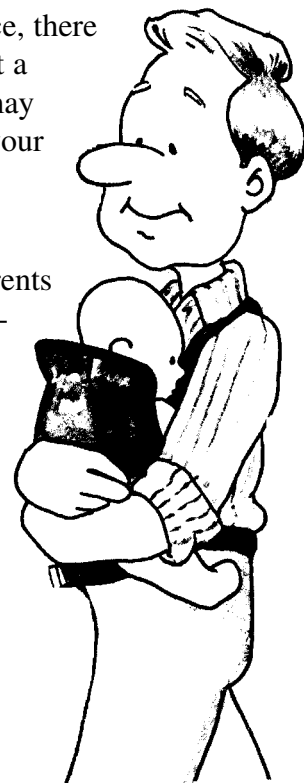
If a child has an unforeseen incident that may result in necessary medical treatment, it may be crucial to know your child's blood type. Time may be of the essence and having this information on hand will expedite medical care.

## ***In Case of Lost or Injured Child***

When time is of the essence, there may be no time to seek out a physician or dentist who may have the original copy of your child's medical or dental records.

It is recommended that parents or guardians have an up-to-date copy of a child's medical/dental records.

In addition, in the event of a lost or stolen child incident, it is recommended that a parent/guardian have up-to-date photographs of the child and a set of fingerprints.



Birth Data

Date of Birth\_\_\_\_\_

Child's Name\_\_\_\_\_

Physician\_\_\_\_\_

Length\_\_\_\_\_

Perinatal Problems\_\_\_\_\_

Birth certificate issued in: \_\_\_\_\_

Hospital\_\_\_\_\_

Parents\_\_\_\_\_

Weight\_\_\_\_\_

Head Circumference\_\_\_\_\_

Social Security Number\_\_\_\_\_

County, \_\_\_\_\_ State \_\_\_\_\_

Growth Information

Date	Age	Weight	Notes

Illnesses and Injuries

Date	Health Problem	Remarks: medications, hospital stay, surgery, etc.

Allergic Reactions

Food	Medication

Insurance Company and Identification Numbers


\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Recommended Childhood and Adolescent Immunization Schedule

This schedule indicates the recommended ages for routine administration of currently licensed childhood vaccines, as of December 1, 2002, for children through age 18 years. Any dose not given at the recommended age should be given at any subsequent visit when indicated and feasible.  Indicates age groups that warrant special effort to administer those vaccines not previously given. Additional vaccines may be licensed and recommended during the year. Licensed combination vaccines may be used whenever any components of the combination are indicated and the vaccine's other components are not contraindicated. Providers should consult the manufacturers' package inserts for detailed recommendations.

range of recommended ages				catch-up vaccination					preadolescent assessment			
Age ► Vaccine ▼	Birth	1 mo	2 mos	4 mos	6 mos	12 mos	15 mos	18 mos	24 mos	4-6 yrs	11-12 yrs	13-18 yrs
Hepatitis B	HepB #1 - only if mother HBsAg (-)								HepB series			
		HepB #2			HepB #3							
Diphtheria, Tetanus, Pertussis	DTaP	DTaP	DTaP				DTaP				Td	
<i>Haemophilus influenzae</i> Type b			Hib	Hib	Hib	Hib						
Inactivated Polio			IPV	IPV	IPV					IPV		
Measles, Mumps, Rubella						MMR #1			MMR	#2	MMR #2	
Varicella						Varicella			Varicella			
Pneumococcal			PCV	PCV	PCV	PCV			PCV	PPV		
----- Vaccines below this line are for selected populations -----												
Hepatitis A									Hepatitis A series			
Influenza					Influenza (yearly)							

Approved by the Advisory Committee on Immunization Practices ([www.cdc.gov/nip/acip](http://www.cdc.gov/nip/acip)), the American Academy of Pediatrics ([www.aap.org](http://www.aap.org)), and the American Academy of Family Physicians ([www.aafp.org](http://www.aafp.org)).

## Emergency Numbers

Poison Control \_\_\_\_\_

Parent (1) at work \_\_\_\_\_ home \_\_\_\_\_

Doctor \_\_\_\_\_

Parent (2) at work \_\_\_\_\_ home \_\_\_\_\_

Hospital \_\_\_\_\_

Legal guardian \_\_\_\_\_

Police Dept. \_\_\_\_\_

Neighbor \_\_\_\_\_

Fire Dept. \_\_\_\_\_

# Choosing a Child Care Provider

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*This section is designed to assist parents in choosing a qualified caregiver by identifying the major types of care available.*

## ***Your Child Care Needs and Those of Your Child***

You have the right as a parent to expect that the child care you purchase will meet your children's needs, as well as your own. Some things to consider as you select a type of child care and a provider are:

- Hours and days you will need care.
- Fees you can afford.
- Transportation if you cannot provide your own.
- Learning needs of each child require appropriate activities.
- A child's social and emotional needs dictate whether a larger or a more intimate setting is desired.
- Physical needs of children require enough room and equipment for movement and play.

## ***Types of Child Care***

### **Care Outside Your Home**

#### *What is a Family Day Care Home?*

A private residence that the child care provider lives in and cares for up to six unrelated children for more than four weeks in a year when the children's parents/guardians are not immediately available. State law also requires them to be registered by the Department of Consumer and Industry Services' Bureau of Family Services.

#### *What is a Group Day Care Home?*

A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than four weeks in a year when the children's parents/guardians are not immediately available. State law also requires them to be licensed by the Bureau of Family Services.

#### *What is a Child Care Center?*

A facility, other than a private residence, where child care is provided for one or more children whose parents/guardians are not immediately available. Centers must be licensed if they provide care for more than two consecutive weeks per year. Centers include public and private preschools, nursery schools, parent cooperative preschools, full-day child care centers, and drop-in centers. State law requires child care centers to be licensed by the Bureau of Family Services.

### **Care in Your Home**

You may want your child cared for in your own home. Relatives, friends, and neighbors are often called upon to provide this service. If you cannot readily find a reliable in-home caregiver, you may want to contact your local Department of Consumer and Industry Services office, area schools, colleges, churches, the Michigan 4-C Association (Community Coordinated Child Care), or you may want to place an advertisement in the newspaper.

In-home care may offer:

- convenience for you
- more flexibility than out-of-home providers
- a feeling of security in a familiar surrounding

In-home care may also:

- be the most expensive of all options
- require you to cover costs of Social Security and other business taxes if you hire a full-time person

# *Licensing and Regulation*

## **Child Care Centers**

Licensing rules for child care centers cover all types of centers and include general provisions for the care of children in three separate age groups:

- 2 weeks - 2½ years
- 2½ - 5 years
- 6 years or older

These general provisions cover areas such as:

- child/staff ratios
- discipline
- food services and nutrition
- child information records
- emergency medical care
- staff qualifications
- equipment
- program
- health of personnel
- indoor and outdoor space

Licensing rules are required by state law (Public Act 116 of 1973). If you would like a copy of the rules, or information on a child care center's or family or group day care home's record of complaints or rule violations, write to:

Bureau of Family Services  
Michigan Department of Consumer  
and Industry Services  
P.O. Box 30650  
Lansing, MI 48909-8150  
517-241-2488

Licensing is the process by which the Michigan Department of Consumer and Industry Services regulates group day care homes. Family Day Care Homes, on the other hand, are registered by the Michigan Department of Consumer and Industry Services. The process requires that family day care home providers certify to the Department that they and their homes are in compliance with the rules for family day care homes.

## **Family and Group Day Care Homes**

Licensing is the process by which the Michigan Department of Consumer and Industry Services regulates group day care homes.

To receive a group day care home license, to care for seven to 12 children, some of the items an individual will need to **submit** are the following:

- The child day care application (BRS-3970) along with their check or money order payable to the State of Michigan (no cash). **THE FEE IS NON-REFUNDABLE.**
- A **Supplemental** Information form.
- **TB tests** for:
  - All persons, 14 years of age and older, living in their home.
  - Any other person who will help provide care.
- A signed licensing record **criminal and protective services clearance** on the party requesting the license and all members of their household 18 years of age and over.

If the party requesting the license or a member of their household has been convicted of a criminal offense, or has a record of substantiated child abuse or neglect, further study will need to be done by their licensing consultant.

The purpose of this study is to determine whether such previous involvement would currently affect their ability to care for children and meet the family day care home rules.
- Written **discipline policy**.
- **Three signed family home references** from people who are **not** related to them.
- Proof of age-appropriate **CPR** and **First Aid Training**.
- A **statement** signed by a licensed physician or his/her designee which attests to their **health** and the health of any assistant caregivers.
- Proof of recent (within last year) **inspection** and **approval** of their **heating system** (including wood burning appliances) by one of the following:
  - a licensed heating contractor
  - a qualified fire inspector
  - insurance company
  - State Mechanical inspector
  - local building inspector
- **Emergency Plans** for tornado, fire, accident, and illness.

## WHAT ELSE NEEDS TO HAPPEN?

- The party requesting the license may be requested to attend an **orientation** session.
- If their home has a **private well and/or septic system**, an inspection and approval of the system(s) are required. This inspection, done by the local Health Department or the State Department of Community Health prior to licensure at **no cost to the individual**, **will be requested by the consultant**.
- **For fire safety they will need:**
  - **Fire extinguishers** on each floor used by children in care. These **must** be rated at least **2A-10BC**. Not every fire extinguisher is a 2A-10BC, so they should make sure they have this rating or one that exceeds the requirement.
  - A **smoke detector** on each floor of their home.
- A call to the local zoning board is required to determine if one can operate a licensed group day care home in their neighborhood.
- A licensing consultant will **inspect** their home to check that he/she has met all of the rule requirements.
- After the inspection has been made, and all the required information has been submitted, a **decision** regarding their application will be made.
- A letter will be sent to the party with the **licensing decision** and a copy of the **licensing study report**.
- Once the person is licensed, **inspections** by the licensing consultant will be made **annually** or if a **complaint** has been made.

## *Family Day Care Registration*

**Registration** is the process by which the Michigan Department of Consumer and Industry Services regulates family day care homes. The process requires that family day care home providers **certify** to the Department that **they and their home** are in **compliance** with the **rules for family day care homes**.

To receive family day care **certification**, to care for one to six children, some of the items a person will be required to provide are the following:

- **3 signed family home references** from people who are **not** related to them.
- **TB** tests for:
  - Themselves.
  - All persons, 14 years of age and older, living in their home.
  - Any other person who will help provide care.
- A **statement** signed by a licensed physician or his/her designee which attests to the health of the family day care provider and the health of any other person who will provide care.
- A signed licensing record **criminal and protective services clearance** on the party requesting the certification and all members of their household 18 years of age and over. If the party or a member of their household has been convicted of a criminal offense, or has a record of substantiated child abuse or neglect, further study will need to be done by their licensing consultant.

The purpose of this study is to determine whether such previous involvement would currently affect their ability to care for children and meet the family day care home rules.
- A **non-refundable fee** of \$25.00, payable to the **STATE OF MICHIGAN**.
- Proof of a recent (within last year) **inspection** and **approval** of their **heating system** (including wood burning appliances) by one of the following:
  - a licensed heating contractor
  - a qualified fire inspector
  - an insurance company
  - State Mechanical inspector
  - local building inspector
- A **smoke detector** on each floor of their home.
- A **written schedule of daily activities** which provides opportunities for children's physical, intellectual, emotional, and social development. The schedule must include active and quiet play, indoor and outdoor play, meal and snack times, and rest times.



- A **list of indoor and outdoor play equipment available** for the children (at least 20 different items must be listed).
- A **sketch** of the layout of the home.
- **Emergency plans** for tornado, fire, accident, and illness.
- Written **discipline policy**.

In addition to these requirements, the party must also request an application packet and complete the forms in that packet.

## WHAT HAPPENS NEXT?

1. The **application packet** will provide you with instructions and the necessary forms you need to make a completed application packet.
2. When the party returns a completed application packet, it will be reviewed and evaluated.
3. The person will be **scheduled for an orientation**.
  - This orientation lasts approximately six hours.
  - It will cover the licensing rules and the child care organization act.
  - Additional information will be provided which will help the party to be successful in the business of caring for children.
  - Time will be provided for you to ask questions.
4. If your home has a **private well and/or septic system**, an inspection and approval of the system(s) are required. The inspections are conducted by the local health department of the State Department of Community Health at **no cost** to the party. **The inspection will be requested by the consultant.**
5. At the end of the orientation session, the party will be given a **Statement of Registration**.
  - This is a **legal document** on which the party certifies that they are in compliance with the family day care home rules and the child care licensing law (Act No. 116 of the Public Acts of 1973, as amended).
  - This registration is in effect for **three years**, as long as the party continues to meet the rules and reside at the same address.

6. Once the party is registered, a licensing consultant will **inspect their home** to assess how they are meeting the rules.

## *Choosing a Provider*

You probably now have made a choice of which type of provider will best care for your child. If you are still undecided about which provider is best for you and your child, you may want to seek further help from your local Community Coordinated Child Care agency or one of the state's child day care licensing offices.

Next, you will have to select a particular provider. For one reason or another, your selection decision may be difficult to make. Often, family and friends offer suggestions on particular arrangements. Make sure, however, that your child's needs are met. Here are some suggestions, questions to ask, and things to look for:

- Make a list of child care providers you are considering.
- Telephone the director or the person in charge of each place before you plan to visit. You should ask about availability of space for new children, proper regulatory status (licensed or registered), fees and other charges, hours, availability of transportation, number of children present, nutritious meals, visitation policy, activities, and programs.
- After calling several centers and homes, it is best to pay a visit to those which seem most acceptable to you.

## *Visiting a Provider*

When visiting the child care providers you are considering, be careful to make good assessments. Here are some things to consider:

1. Make sure the center or home is licensed or registered by the Michigan Department of Consumer and Industry Services. Each provider should be able to show you a current license or registration certificate. This is the only way a facility can operate legally, and it is a step toward assuring that your child will have a safe and healthy environment away from home.

2. Look for a clean, wholesome atmosphere.
    - examine the areas used for play, sleep, and food preparation, as well as the bathroom
    - medicines and other hazardous materials should be out of reach
    - stairs should be protected by gates
    - there should be plenty of safe outdoor play space
    - changing tables should be located close to a sink (for hand washing)
  3. Check the procedures used for emergencies and for contacting parents.
    - individual child care information cards should be kept
    - there should be regular fire drills and tornado drills
  4. Notice the attitude of the adult caregivers and the way they behave with the children. For example:
    - do the children seem happy?
    - is discipline carried out with care and understanding?
    - are diapers changed promptly?
    - are babies held in a loving way during feeding?
- 
- are the adults interacting well with the children?
    - do the adults spend a reasonable part of the day in planned activities?
    - do the adults relate to the children in a warm and friendly manner?
    - are the adults calm and gentle in caring for the children?
    - is the caregiver willing to regularly discuss your child with you?
  5. Observe and discuss the types of indoor and outdoor activities.
    - there should be a variety of creative materials
    - there should be free time for children to choose their own activities
    - adult direction should always be available
    - there should be a fairly consistent schedule for the children each day
    - there should be planned field trips and other enriching experiences
    - what happens when the caregiver is ill?
  6. Make an unscheduled visit to see how it operates when your presence is not expected. This may prove to be the best test of whether the center is the right place for your child.

## ***Child Care Checklist***

### **Basic Information** \_\_\_\_\_

Hours are suitable  
☐ Yes ☐ No

Fees are affordable  
☐ Yes ☐ No

Meals and snacks are appropriate/nutritious  
☐ Yes ☐ No

Transportation is available  
☐ Yes ☐ No

Group size and ages are acceptable  
☐ Yes ☐ No

### **The Staff** \_\_\_\_\_

Good interaction between teachers/students  
☐ Yes ☐ No

Average staff longevity of at least a year  
☐ Yes ☐ No

Disciplinary methods are acceptable  
☐ Yes ☐ No

Staff is friendly and cooperative  
☐ Yes ☐ No

Staff members are responsive and supportive  
☐ Yes ☐ No

Children are treated as individuals  
☐ Yes ☐ No

### **Parental Involvement** \_\_\_\_\_

Parents are involved in decision making  
☐ Yes ☐ No

Parents participate in some activities  
☐ Yes ☐ No

### **The Place** \_\_\_\_\_

The setting is cheerful  
☐ Yes ☐ No

Children seem happy  
☐ Yes ☐ No

Staff and children get along well  
☐ Yes ☐ No

There is a balanced daily schedule  
☐ Yes ☐ No

Activities appropriate to the ages of the children  
☐ Yes ☐ No

Children are comforted when needed  
☐ Yes ☐ No

The place is clean and orderly  
☐ Yes ☐ No

Safety precautions are established  
☐ Yes ☐ No

Different kinds of space are available for quiet play, active play  
☐ Yes ☐ No

There is enough space for all activities  
☐ Yes ☐ No

There are enough books, toys, games, etc.  
☐ Yes ☐ No

Children can get things for themselves  
☐ Yes ☐ No

### **Overall Impression** \_\_\_\_\_

References are provided  
☐ Yes ☐ No

People speak well of the service  
☐ Yes ☐ No

I would be happy here if I were a child  
☐ Yes ☐ No

I feel comfortable leaving my child here  
☐ Yes ☐ No

## ***Parental Responsibility***

Once you have selected a place for day care outside your home, your interaction is encouraged.

Parents should talk frequently with their children about the home or center. The child should be asked very specific questions about his or her day and the events of that day. This can be done when a child is quiet and feeling very secure and protected in the comfort of his or her home. Listen carefully to what the child says.

If you know or suspect a regulation has been violated by the day care provider, you have a responsibility to the children at the center or home, and their families, to do something about it. Ideally, the first step is to talk to the director about getting the problem resolved. But if you have reason to believe this will not end the violation, you should call or write your local child day care licensing office. If you feel the problem requires immediate attention during a time when the local office is not open, you should call the 24-hour number for children's protective services included in the phone directory listing for your county Family Independence Agency.

You should make your report as soon as possible after the violation occurs. Describe your complaint clearly and in detail. Remember, your child's care provider is a business which you employ.

Thus, you do have a responsibility to respect:

- their time . . . do not take it for granted
- their policies . . . pay bills on time, pick up your child at the agreed upon time
- their opinions . . . usually they've had lots of experience

You have the responsibility to question:

- rule violations
- unsafe practices that affect or might injure your child
- what happens when you're not there
- anything that upsets your child

You have a responsibility to encourage:

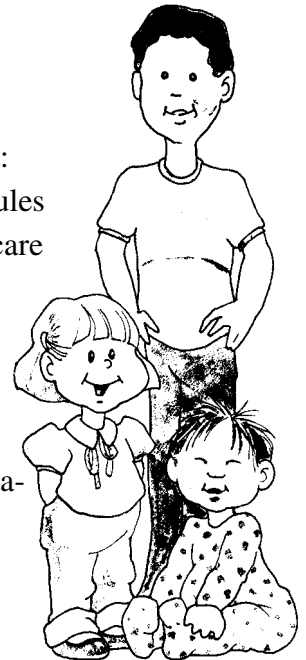
- open communication
- positive happenings
- parent involvement

You have the right to expect:

- compliance with the rules
- safe, nurturing, good care

You also have the right to:

- make an unscheduled visit to the center to ensure its operations meet with your expectations



## ***For More Information***

**Michigan Child Care Coordinating  
Council Association**  
839 Centennial Way  
Lansing, MI 48917  
(517) 351-4171 or 1-866-424-4532

**Michigan Department of Consumer  
and Industry Services**  
**Bureau of Family Services**  
P.O. Box 30650  
Lansing, MI 48909-8150  
(517) 241-2488 or 1-866-685-0006

## Child Care Costs

In Michigan, the cost of child care varies according to geographical location. The following is a breakdown of what you could expect to pay in various areas.

### Costs of Child Care in Michigan 2003

#### Average Weekly Cost of Full-Time Programs

County	Infant	Toddler	Preschl	Schl-age	County	Infant	Toddler	Preschl	Schl-age
ALCONA	\$95.04	\$93.02	\$92.79	\$92.41	LAKE	\$87.13	\$84.04	\$84.04	\$87.81
ALGER	\$103.86	\$99.18	\$99.18	\$96.75	LAPEER	\$112.49	\$108.55	\$106.20	\$106.38
ALLEGAN	\$106.52	\$103.87	\$103.28	\$102.19	LEELANAU	\$114.59	\$110.91	\$105.36	\$105.81
ALPENA	\$101.36	\$98.36	\$96.82	\$96.07	LENAWEE	\$98.81	\$96.32	\$95.67	\$90.40
ANTRIM	\$101.97	\$99.38	\$98.47	\$98.57	LIVINGSTON	\$141.21	\$134.02	\$131.54	\$130.04
ARENAC	\$94.89	\$91.95	\$90.00	\$90.00	LUCE	\$93.71	\$95.16	\$94.89	\$96.96
BARAGA	\$117.61	\$114.75	\$110.25	\$107.68	MACKINAC	\$92.39	\$92.84	\$92.50	\$84.55
BARRY	\$103.97	\$99.72	\$98.24	\$95.96	MACOMB	\$136.67	\$131.29	\$127.20	\$126.36
BAY	\$115.92	\$112.72	\$109.32	\$109.08	MANISTEE	\$104.61	\$102.23	\$101.37	\$100.94
BENZIE	\$103.16	\$99.97	\$99.75	\$99.95	MARQUETTE	\$119.47	\$115.41	\$113.61	\$111.89
BERRIEN	\$99.57	\$96.26	\$93.81	\$91.95	MASON	\$95.25	\$91.77	\$90.70	\$91.12
BRANCH	\$88.82	\$85.84	\$85.01	\$84.50	MECOSTA	\$92.15	\$91.73	\$90.79	\$90.06
CALHOUN	\$102.78	\$97.50	\$95.04	\$92.47	MENOMINEE	\$98.88	\$95.96	\$94.24	\$94.12
CASS	\$96.39	\$93.44	\$90.60	\$89.05	MIDLAND	\$120.97	\$114.21	\$112.33	\$110.84
CHARLEVOIX	\$99.73	\$98.99	\$98.50	\$98.13	MISSAUKEE	\$95.39	\$93.67	\$93.09	\$93.09
CHEBOYGAN	\$95.04	\$93.02	\$92.79	\$92.41	MONROE	\$121.14	\$115.65	\$112.19	\$100.55
CHIPPEWA	\$95.14	\$95.55	\$94.38	\$93.73	MONTCALM	\$99.30	\$96.58	\$94.38	\$93.50
CLARE	\$90.90	\$89.45	\$88.78	\$91.24	MONTMORENCY	\$92.34	\$91.73	\$91.73	\$90.43
CLINTON	\$114.61	\$109.97	\$108.73	\$114.38	MUSKEGON	\$98.00	\$95.64	\$94.97	\$94.89
CRAWFORD	\$99.38	\$96.28	\$94.61	\$93.27	NEWAYGO	\$97.80	\$95.98	\$94.31	\$94.02
DELTA	\$109.07	\$106.99	\$106.46	\$103.89	OAKLAND	\$148.63	\$142.13	\$136.21	\$129.29
DICKINSON	\$110.21	\$107.65	\$107.13	\$106.04	OCEANA	\$92.95	\$93.23	\$91.27	\$91.08
EATON	\$110.90	\$106.77	\$104.52	\$94.83	OGEMAW	\$90.98	\$90.24	\$89.61	\$87.19
EMMET	\$103.13	\$100.51	\$96.88	\$97.40	ONTONAGON	\$93.06	\$91.88	\$90.94	\$90.94
GENESEE	\$117.64	\$114.48	\$110.61	\$108.91	OSCEOLA	\$92.52	\$91.52	\$90.99	\$90.84
GLADWIN	\$100.06	\$94.33	\$90.42	\$91.99	OSCODA	\$88.28	\$88.63	\$90.91	\$90.91
GOGEBIC	\$96.10	\$94.64	\$92.24	\$91.90	OTSEGO	\$99.11	\$96.55	\$95.59	\$94.10
GRAND TRAVERSE	\$107.06	\$103.61	\$102.44	\$102.77	OTTAWA	\$119.49	\$114.33	\$112.25	\$108.56
GRATIOT	\$96.13	\$94.09	\$92.08	\$93.48	PRESQUE ISLE	\$99.32	\$94.70	\$94.50	\$94.50
HILLSDALE	\$78.88	\$78.57	\$78.57	\$79.25	ROSCOMMON	\$100.15	\$98.57	\$97.77	\$97.61
HOUGHTON	\$119.95	\$115.18	\$107.96	\$106.60	SAGINAW	\$113.96	\$111.33	\$108.52	\$107.67
HURON	\$96.64	\$94.50	\$93.17	\$92.62	ST. CLAIR	\$118.55	\$115.96	\$114.41	\$111.86
INGHAM	\$119.77	\$114.49	\$110.60	\$106.25	ST. JOSEPH	\$90.92	\$87.47	\$84.97	\$82.85
IONIA	\$101.80	\$99.07	\$98.51	\$96.27	SANILAC	\$96.78	\$92.98	\$91.98	\$90.36
IOSCO	\$99.74	\$95.22	\$94.04	\$94.13	SCHOOLCRAFT	\$108.86	\$102.99	\$97.88	\$96.90
IRON	\$100.13	\$98.86	\$97.03	\$100.38	SHIAWASSEE	\$103.32	\$100.71	\$99.51	\$99.50
ISABELLA	\$102.70	\$98.54	\$97.11	\$94.25	TUSCOLA	\$99.40	\$98.01	\$96.44	\$96.44
JACKSON	\$100.19	\$95.19	\$93.96	\$84.50	VAN BUREN	\$109.00	\$103.92	\$102.81	\$99.60
KALAMAZOO	\$115.90	\$111.97	\$108.88	\$105.34	WASHTENAW	\$148.19	\$142.91	\$136.03	\$125.81
KALKASKA	\$98.30	\$96.00	\$96.39	\$96.39	WAYNE	\$124.78	\$114.65	\$106.75	\$100.40
KENT	\$118.53	\$113.65	\$110.41	\$108.17	WEXFORD	\$99.48	\$96.26	\$95.25	\$95.22
KEWEENAW	\$115.00	\$112.75	\$107.08	\$90.00					

Source: Michigan Coordinated Child Care Association

## ***Contacting the Michigan 4C Child Care Division on Day Care Licensing and Referrals***

Child care referrals and consultation on licensing requirements and regulations are available from the **local/regional 4C agency** serving your county (see listings below). Refer to the county in which you live or desire child care to locate the 4C agency serving your area.

### **Central MI 4C**

150 W. Center St., Alma, MI 48801  
Phone: (989) 463-1422 or 1-800-552-4489  
**Serving:** Clare, Gladwin, Gratiot, and Isabella

### **Washtenaw Regional 4C**

3060 Packard, Suite G, Ann Arbor, MI 48108  
Phone: (734) 975-1840 or 1-800-777-2861  
**Serving:** Hillsdale, Jackson, Lenawee, Monroe, and Washtenaw

### **Kalamazoo Regional 4C**

3304 Mindi Lane, Kalamazoo, MI 49001  
Phone: (616) 349-3296 or 1-800-343-3470  
**Serving:** Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, and Van Buren

### **Ottawa Regional 4C**

710 Chicago Dr., Suites 250 & 260, Holland, MI 49423  
Phone: (616) 396-8151 or 1-800-332-5049  
**Serving:** Allegan, Lake, Mason, Muskegon, Oceana, and Ottawa

### **Detroit/Wayne County 4C**

2151 E. Jefferson, Suite 250, Detroit, MI 48207  
Phone: (313) 259-4411 or 1-800-722-6345  
**Serving:** Wayne

### **Greater Flint & Thumb Area 4C**

1401 S. Grand Traverse, Flint, MI 49503  
Phone: (810) 232-0145 or 1-800-527-2182  
**Serving:** Genesee, Huron, Lapeer, Sanilac, and Tuscola

### **Kent Regional 4C**

233 E. Fulton, Suite 107, Grand Rapids, MI 49503  
Phone: (616) 451-8281 or 1-800-448-6995  
**Serving:** Ionia, Kent, Mecosta, Montcalm, Newaygo, and Osceola

### **Livingston County 4C**

2710 E. Grand River Ave., Suite 6, Howell, MI 48843  
Phone: (517) 548-9112 or 1-800-260-0202  
**Serving:** Livingston

### **Macomb Regional 4C**

21885 Dunham Rd., Suite 12, Clinton Twp., MI 48036  
Phone: (586) 469-6993 or 1-800-621-8661  
**Serving:** Macomb and St. Clair

### **Northeast MI 4C**

P.O. Box 516, Alpena, MI 49707  
Phone: (989) 354-8089 or 1-800-257-9907  
**Serving:** Alcona, Alpena, Cheboygan, Iosco, Montmorency, Ogemaw, Oscoda, Otsego, and Presque Isle

### **Northwest MI 4C**

720 S. Elmwood, Suite 4, Traverse City, MI 49684  
Phone: (231) 941-7767 or 1-800-968-4228  
**Serving:** Antrim, Benzie, Charlevoix, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Roscommon, and Wexford

### **Oakland County 4C**

2111 Cass Lake Rd., Suite 104, Keego Harbor, MI 48320  
Phone: (248) 681-9192  
**Serving:** Oakland

### **Ingham Regional 4C**

P.O. Box 30161, Lansing, MI 48909  
Phone: (517) 887-4319 or 1-800-234-6996  
**Serving:** Clinton, Eaton, Ingham, and Shiawassee

### **Saginaw Valley Regional 4C**

Maple Ridge Resource Center  
5560 Gratiot Rd., Suite B, Saginaw, MI 48603  
Phone: (989) 497-0680  
**Serving:** Arenac, Bay, Midland, and Saginaw

### **Upper Peninsula 4C**

104 Coles Dr., Suite F, Marquette, MI 49855  
Phone: (906) 228-3362 or 1-800-541-5437  
**Serving:** Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft

# Getting the Right Safety Seat

*This section is designed to assist parents in choosing a child safety seat that will help ensure safety in the event of an automobile accident.*

## Why child safety seats?

The risk is great! A child is more likely to die from a motor vehicle crash than from any disease or other type of accident. It doesn't take a crash for a child to suffer serious injuries. A swerve into another lane or a sudden stop is enough to send a small child tumbling, causing serious head and spinal injuries.

During a 30 m.p.h. crash, an unrestrained child will hit the dashboard or windshield with a force equal to that of a fall from a three-story building. Being thrown from the car is no solution. Your chances of surviving a crash are much better if you remain in the car. The worst possible place for a child to ride is in the arms of an adult. An unrestrained adult will literally crush a child against the dashboard. Even a safety-belted adult is not strong enough to hold onto a child in a crash.

## The solution is simple

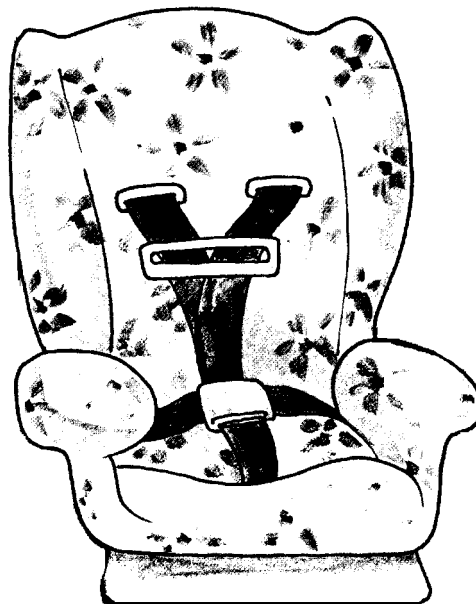
Child safety seats hold onto your child in a crash and keep the child from hitting dangerous objects or from being thrown out of the car.

## What is a child safety seat?

A child safety seat is a specially tested seat that is designed to keep your child safe in a crash. The seats are identified by a label that shows they have met test standards. Look for a label showing that the seat has met federal requirements.

**ATTENTION:** Some home baby carriers may look like safety seats. They will not protect your child in a crash. Cloth baby holders are fine for walks, but may rip apart during a crash.

**REMINDER:** Look for the label that shows the seat meets federal standards for use in a motor vehicle.



## It's the Law

All 50 states now have child passenger safety laws. Michigan originally enacted a child restraint law (P.A. 117) in 1981. In 1999, the Legislature strengthened the state's seat belt law. The new law says:

Occupant's age	In front seat	In rear seat
All children under 4	Must be in child safety seat*	Must be in child safety seat
4 - 15	In seat belt (driver receives citation)	In seat belt (driver receives citation)**
16 years and older	In seat belt (each violator receives citation)	No requirement

\* Manufacturers and law enforcement do not recommend placing children under 4 in the front seat.

\*\* No citation issued if there are more children than available belts, all belts are utilized, and unbelted children are not seated in the front seat (except that an unbelted child can travel in the front seat of a pickup truck if:

- (1) the pickup truck doesn't have an extended cab;
- (2) all seat belts in the front seat are being used).

## Choose the right seat

There is no “ideal” seat for all consumers. Not all child safety seats can be used in all cars. Some cars have large safety belt buckles that will not go through the frames of some safety seats. Some safety belts are not long enough to go around the front of all safety seats. Whenever possible, try before you buy. Convenience for you and comfort for your child will go a long way in assuring that you use it on all trips—long or short.

There are basically four types of child safety seats on the market today.

**Infant seats** protect children who weigh under 20 pounds. They are always used in a rear-facing position. (Birth to 1 year, up to 20 to 22 pounds. Do not place infants in the front passenger seat of cars with airbags.)

**Toddler seats** are designed for the child who can sit up unassisted. They should be used until the child weighs approximately 40 pounds, at which time the child should begin using a booster seat (20 to 40 pounds, over 1 year old).

**Booster seats** are an option for toddlers who are ready to make the transition from a standard child safety seat to using safety belts. Booster seats should be used until children are about 80 pounds and 4 feet 9 inches tall (approximately ages 4 to 8).

**Convertible seats** may be used in the reclined, rear-facing position for infants or in the upright, forward-facing position for toddlers. All child safety seats manufactured after January 1, 1981 must meet strict federal safety standards which include crash testing. The date the seat was manufactured will be stamped on a label attached to the seat. Do not be misled into thinking the lightweight, flimsy home carrier seats are safe protection in a car. Likewise, cloth carriers worn on an adult’s chest are not designed for crash protection. Recent tests show these cloth carriers actually rip apart during a crash.

## Infant seats

Starting with the first ride home from the hospital, infants need protection that an adult’s arms cannot give. Although a parent’s arms are comforting to the baby, no parent is strong enough to hold onto a child in a crash. Child safety seats for infants should always face the rear of the car. This position allows the back (the strongest part of a baby’s body) to absorb the forces of a crash. Do not place infants in the front seat of a car with airbags.

All child safety seats used for infants have shoulder harnesses which must be fastened to be effective. Dress your baby in an outfit with legs for the best fit of the harness. After the baby is securely buckled up, cover the baby with warm blankets. It is too awkward to use a seat correctly after a child has been wrapped in buntings or blankets. An infant must lie flat against the back of the child safety seat with the harness adjusted to give a snug fit. Do not put any pillows or padding inside the child safety seat underneath the baby. You may, however, cushion and support the sides of a newborn’s head with rolled-up receiving blankets or towels. You may also want to place a rolled towel under the infant seat. This will help to level the seat. Harness straps should be at or below shoulder level.

Infants should continue to ride rear-facing until they reach about 20 to 22 pounds. You can then turn your convertible child safety seat around and adjust to its upright, forward-facing position. If you have been using an infant-only safety seat, you will need to get a new seat for your toddler. When driving alone with your infant, you will probably want the baby in the front seat with you. However, infants and toddlers to four years of age traveling in an airbag-equipped car should be secured in a child safety seat in the rear seat.



## Toddler safety

Child safety seats for young children are designed to provide more crash protection than regular safety belts can give. Child safety seats are designed to spread the crash forces over a large area of the body. This is done with harness straps and/or close-fitting padded surfaces called shields. There are many good toddler safety seats on the market today. The toddler seats can be grouped into four types:

**Full harness** (or five-point harness) have two shoulder straps, two pelvic straps, and a crotch strap all coming together at a buckle. The shoulder straps should be threaded through slots that are above the child's shoulders. All straps should be adjusted for a snug fit. The crotch strap should be as short as possible to hold the lap belt firmly over the thighs.

**Shield/harness** combinations use padded surfaces along with harness straps that fully restrain the toddler. These shields vary in size and shape, but usually take the place of the lap portion of a five-point harness. Shoulder straps and crotch straps are still necessary to keep the child from flying over or sliding under this partial shield. Shields should not be used for infants.

**Full shields** are large, curved, padded surfaces that can fully restrain a child in a crash without the help of harness straps. They must be close-fitting, broad, and high enough to spread crash forces over the entire upper body. This basic design is convenient to use and has performed well in actual crashes.

**Booster seats** are strong, firm seats that have no back. They have a special shield intended to provide upper-body protection. They must be used with the vehicle lap belt or the lap/shoulder belt. When using a shield-equipped booster seat with a lap/shoulder belt, check the manufacturer's instructions to determine placement of the shoulder portion of the lap/shoulder system. The lap belt should fit low and tight to avoid abdominal injuries. A child under 80 pounds is generally too small for seat belts because the lap belt sits across the stomach and the shoulder belt cuts across the neck. This could cause serious or fatal injuries.

## "Hand me down" child safety seats

Before using a "hand-me-down" or garage sale child safety seat, be sure that it has not been in a crash and that all parts (belts, buckles, straps) are included. Make sure that you have the instructions for correctly using the child safety seat. A new set of instructions can be obtained from the manufacturer. There are car seat rental programs in nearly every county in Michigan. For the name and phone number of a program near you, contact the Office of Highway Safety Planning: (517) 336-6477.

## Use of locking clips

Some cars use a "vehicle-sensitive" locking retractor system. This type of belt is designed to move freely on its reel until the vehicle makes a sudden swerve or stop. This makes it very difficult to properly anchor a child safety seat because it cannot be manually tightened. If the lap/shoulder belt has a latch plate or "tongue" which moves freely and does not lock the lap belt in position, you can use a locking clip to correct the problem.

## Automatic crash protection

There are two kinds of automatic occupant protection systems available today: airbags and automatic safety belts.

Each is designed to protect front-seat passengers. Automatic safety belts move into place around front-seat passengers when the car doors are closed. Some cars with automatic safety belts also have manual lap belts. In these cars, the manual lap belt should be used to install a child safety seat.

For cars without manual lap belts, the child safety seat must be installed in the rear seat. Most cars without manual lap belts allow for belt installation (check instructions in the owner's manual). Shoulder-only safety belts are designed to protect adults. Children in a car equipped with shoulder-only automatic safety belts should sit in the rear seat and use a lap belt.

Lap/shoulder automatic safety belts can be used for an older child if the shoulder portion fits smoothly across the chest and shoulder. If it does not, place the child in a rear seat lap belt.

**CAUTION:** Automatic safety belts are not designed, and should not be used, to install child safety seats in a car.

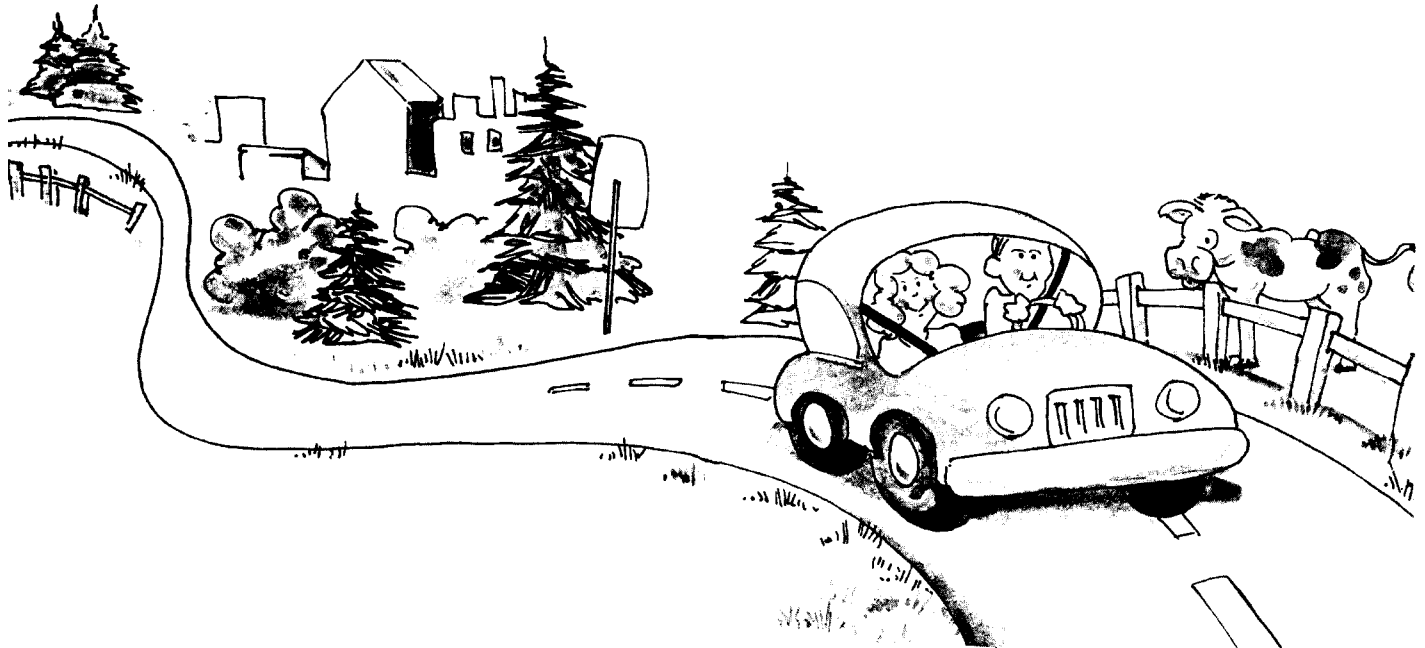
There are three rules to follow for proper protection of your child:

- Your child must be properly fastened into the child safety seat using the straps and harnesses in the manner they were intended by the manufacturer.

- The child safety seat must be securely fastened by the vehicle's regular safety belt. This keeps the safety seat from being thrown around during a crash.
- Never put the shoulder belt behind a child's arm or back.

Airbags offer excellent frontal crash protection, especially when used in combination with lap and shoulder safety belts. The airbag remains concealed until a frontal crash at speeds of about 12 mph causes it to inflate.

Airbags are only part of a total occupant protection system. **A child in an airbag-equipped car should be secured in a child safety seat in the rear seat.**



# Child Abuse and Reporting

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*This section gives parents valuable information on how to spot and report incidents of child abuse, whether against their own child or another.*

## ***The scope of the problem***

The impact of abuse on children is greater than its immediate visible effects. Child abuse is associated with many long-term and societal problems, such as brain damage, developmental delays, learning disorders, aggression, and depression. According to *Child Maltreatment 2000*, nearly 3 million reports of abuse concerning 5 million children were made in the United States in 2000. In Michigan, according to *Kids Count in Michigan, 2002 Data Book*, roughly 173,000 children lived in a family where an investigation of child abuse occurred in 2001—67 of every 1,000 children. This represents an increase of 43% from 1990.

## ***What constitutes abuse?***

The law has a specific definition of child abuse and neglect. Child abuse means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare or by a teacher or teacher's aide which occurs through non-accidental physical or mental injury; sexual abuse; sexual exploitation; or maltreatment.

Child neglect means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare which occurs through either of the following: (1) negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care or (2) placing a child at an unreasonable risk in relation to the child's health or welfare by failure of the parent, legal guardian, or any other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

Your awareness, concern, and cooperation can help curb child abuse. Report suspected child abuse and neglect cases, and support the development of

therapeutic resources within your state and community.

The effect of abuse and neglect on the children immediately involved is obvious. But what is not so obvious are the other forms of antisocial or detrimental behavior that result from child abuse.

In many ways, these less obvious effects of child abuse and neglect affect the entire community in such forms as mental illness and criminal behavior.

## ***Reporting***

The law requires certain persons, such as medical personnel, teachers, social workers, and law enforcement personnel, to report suspected child abuse and neglect. Failure to report by a person required to do so can result in civil liability for damages caused by failure to report. The person may also be charged with a misdemeanor punishable by up to 93 days in jail or a fine of up to \$100. If you suspect child abuse or neglect, you should report it to your local Family Independence Agency, even if it is not required of you. When in doubt, report; your identity will be kept confidential. If you are acting in good faith, you are immune from criminal or civil liability. For more information, please refer to the Michigan Child Protection Law which is reprinted at the end of this publication.

## ***What to watch for***

It is very important not to jump to conclusions, but rather to look carefully at the entire situation for evidence that would give you reason to suspect child abuse. Broken bones, severe burns, bruises, or scars may be obvious indications of extreme child abuse. No one characteristic or series of characteristics is necessarily indicative of abuse or neglect, especially when you are looking at a child's behavior. A good rule of thumb is to look carefully at behavior that doesn't appear normal for the situation.

- A child coming early to school and staying late may indicate a problem at home, which could include abuse or neglect.
- A child wearing a long-sleeved coat in very warm weather may indicate he or she is covering up injuries on the arms or back . . . injuries inflicted by abuse.
- A child who appears unusually fearful or defensive around parents or other authority figures may indicate some form of abuse in the past.
- A child who is overly anxious to comply with requests or commands, wants to assume blame for injuries, or just seems “too good” may be compensating for or covering up a history of abusive treatment.

### ***Child Molestation:***

#### ***Does your child know who to turn to?***

#### ***Be Committed Parents . . .***

The prevention of child molesting relies heavily upon a commitment by parents to discuss the problem with their children. Basically, it is important for parents to strive for such a loving and trusting relationship that no matter what happens, their children will not be afraid to confide in them.

If anything should happen, parents must have the wisdom and courage to call the police at once in spite of embarrassment or fear of trouble.

Since both boys and girls may encounter molesters anywhere, at any time, specific instructions should replace vague warnings against strangers. Some points to discuss with your children:

- Refuse rides from strangers.
- Avoid accepting candy and other gifts from a stranger.
- Refuse to go near a stranger’s car who is asking for directions or other information.
- Go straight home after school.

- Always let your parents know where you are.
- Avoid playing in deserted areas or around public restrooms.
- If anyone attempts to touch or grab you—run, scream, and immediately tell your parents.
- A police officer is a child’s friend and should be called upon for help whenever possible.
- If possible, attempt to write down the license number of the vehicle and remember what the stranger looked like.

### ***Who is the child molester?***

The large majority of abusers are men who sexually abuse girls and boys, but women may abuse children as well. The majority of all abuses are not committed by “strangers,” but rather they are committed by someone the child knows and trusts. The abuser tries to control the victim through coercion, manipulation, or bribery. Be alert to any abrupt changes in your child’s behavior. Teach your child to be aware of his surroundings. Encourage your child to tell you about any unusual touches or sexual conversation.

What parents must do is impress upon their children that harmful situations can occur almost anywhere. They must try to be aware of their surroundings and careful to approach uncommon situations with caution. Another important aspect is for children to know what to do and where to go if they feel they are in danger. Running away, screaming, or going to a neighbor’s house are all good points, but they must be put into perspective by the child’s parents.

Parents know best their children’s personalities and habits and these aspects should be taken into consideration whenever prevention of child molesting is discussed.

Take the time to discuss the prevention tips with your child. The prevention of child molesting must become the concern of everyone!

# The Michigan Child Protection Law

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*The Michigan Child Protection Law\*, Public Act 238 of 1975, §722.621 to 722.638 of the Michigan Compiled Laws is the statutory authority in Michigan law to protect children who may be abused or neglected.*

An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts.

*The People of the State of Michigan enact:*

## **722.621 Short title.**

Sec. 1. This act shall be known and may be cited as the “child protection law”.

## **722.622 Definitions.**

Sec. 2. As used in this act:

(a) “Adult foster care location authorized to care for a child” means an adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703, in which a child is placed in accordance with section 5 of 1973 PA 116, MCL 722.115.

(b) “Attorney” means, if appointed to represent a child under the provisions referenced in section 10, an attorney serving as the child’s legal advocate in the manner defined and described in section 13a of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

(c) “Central registry” means the system maintained at the department that is used to keep a record of all reports filed with the department under this act in which relevant and accurate evidence of child abuse or neglect is found to exist.

(d) “Central registry case” means a child protective services case that the department classifies under sections 8 and 8d as category I or category II. For a child protective services case that was investigated before July 1, 1999, central registry case means an allegation of child abuse or neglect that the department substantiated.

(e) “Child” means a person under 18 years of age.

(f) “Child abuse” means harm or threatened harm to a child’s health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy.

(g) “Child care organization” means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

(h) “Child care provider” means an owner, operator, employee, or volunteer of a child care organization or of an adult foster care location authorized to care for a child.

(i) “Child care regulatory agency” means the department of consumer and industry services or a successor state department that is responsible for the licensing or registration of child care organizations or the licensing of adult foster care locations authorized to care for a child.

(j) “Child neglect” means harm or threatened harm to a child’s health or welfare by a parent, legal guardian, or any other person responsible for the child’s health or welfare that occurs through either of the following:

(i) Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.

\* As amended through 2002 PA 716.

(ii) Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

(k) "Citizen review panel" means a panel established as required by section 106 of title I of the child abuse prevention and treatment act, Public Law 93-247, 42 U.S.C. 5106a.

(l) "Member of the clergy" means a priest, minister, rabbi, Christian science practitioner, or other religious practitioner, or similar functionary of a church, temple, or recognized religious body, denomination, or organization.

(m) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(n) "CPSI system" means the child protective service information system, which is an internal data system maintained within and by the department, and which is separate from the central registry and not subject to section 7.

(o) "Department" means the family independence agency.

(p) "Director" means the director of the department.

(q) "Expunge" means to physically remove or eliminate and destroy a record or report.

(r) "Lawyer-guardian ad litem" means an attorney appointed under section 10 who has the powers and duties referenced by section 10.

(s) "Local office file" means the system used to keep a record of a written report, document, or photograph filed with and maintained by a county or a regionally based office of the department.

(t) "Nonparent adult" means a person who is 18 years of age or older and who, regardless of the person's domicile, meets all of the following criteria in relation to a child:

(i) Has substantial and regular contact with the child.

(ii) Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare.

(iii) Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree.

(u) "Person responsible for the child's health or welfare" means a parent, legal guardian, person 18 years of age or older who resides for any length of time in the same home in which the child resides, or, except when used in section 7(2)(e) or 8(8), nonparent adult; or an owner, operator, volunteer, or employee of 1 or more of the following:

(i) A licensed or registered child care organization.

(ii) A licensed or unlicensed adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(v) "Relevant evidence" means evidence having a tendency to make the existence of a fact that is at issue more probable than it would be without the evidence.

(w) "Sexual abuse" means engaging in sexual contact or sexual penetration as those terms are defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, with a child.

(x) "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(y) "Specified information" means information in a central registry case record that relates specifically to referrals or reports of child abuse or neglect. Specified information does not include any of the following:

(i) Except as provided in this subparagraph regarding a perpetrator of child abuse or neglect, personal identification information for any individual identified in a child protective services record. The exclusion of personal identification information as specified information prescribed by this subparagraph does not include personal identification information identifying an individual alleged to have perpetrated child abuse or neglect, which allegation has been classified as a central registry case.

(ii) Information in a law enforcement report as provided in section 7(8).

(iii) Any other information that is specifically designated as confidential under other law.



(z) “Structured decision-making tool” means the department document labeled “DSS-4752 (P3) (3-95)” or a revision of that document that better measures the risk of future harm to a child.

(aa) “Substantiated” means a child protective services case classified as a central registry case.

(bb) “Unsubstantiated” means a child protective services case the department classifies under sections 8 and 8d as category III, category IV, or category V.

**722.623 Persons required to report child abuse or neglect; written report; transmitting report and results of investigation to prosecuting attorney, county family independence agency, or law enforcement agency; pregnancy of or venereal disease in child less than 12 years of age.**

Sec. 3. (1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician’s assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, certified social worker, social worker, social work technician, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the department. Within 72 hours after making the oral report, the reporting person shall file a written report as required in this act. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency, or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school shall be considered adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for

making a report required by this act or for cooperating in an investigation.

(b) A department employee who is 1 of the following and has reasonable cause to suspect child abuse or neglect shall make a report of suspected child abuse or neglect to the department:

- (i) Eligibility specialist.
- (ii) Family independence manager.
- (iii) Family independence specialist.
- (iv) Social services specialist.
- (v) Social work specialist.
- (vi) Social work specialist manager.
- (vii) Welfare services specialist.

(2) The written report shall contain the name of the child and a description of the abuse or neglect. If possible, the report shall contain the names and addresses of the child’s parents, the child’s guardian, the persons with whom the child resides, and the child’s age. The report shall contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred.

(3) The department shall inform the reporting person of the required contents of the written report at the time the oral report is made by the reporting person.

(4) The written report required in this section shall be mailed or otherwise transmitted to the county family independence agency of the county in which the child suspected of being abused or neglected is found.

(5) Upon receipt of a written report of suspected child abuse or neglect, the department may provide copies to the prosecuting attorney and the probate court of the counties in which the child suspected of being abused or neglected resides and is found.

(6) If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates a violation of sections 136b and 145c or sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and 750.520b to 750.520g, has occurred, or if the allegation, written report, or subsequent investigation indicates that the suspected child abuse or child neglect was committed by an individual who is not a person responsible for the child’s health or welfare, including, but not limited to, a member of the clergy, a teacher, or a teacher’s aide, the department shall transmit a copy of the allegation

or written report and the results of any investigation to a law enforcement agency in the county in which the incident occurred. If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider and the department believes that the report has basis in fact, the department shall transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child.

(7) If a local law enforcement agency receives an allegation or written report of suspected child abuse or child neglect and the allegation, written report, or subsequent investigation indicates that the child abuse or child neglect was committed by a person responsible for the child's health or welfare, the local law enforcement agency shall refer the allegation or provide a copy of the written report and the results of any investigation to the county family independence agency of the county in which the abused or neglected child is found, as required by subsection (1)(a). If an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider and the local law enforcement agency believes that the report has basis in fact, the local law enforcement agency shall transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the child care provider's child care organization or adult foster care location authorized to care for a child. Nothing in this subsection or subsection (1) shall be construed to relieve the department of its responsibilities to investigate reports of suspected child abuse or child neglect under this act.

(8) For purposes of this act, the pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over 1 month of age but less than 12 years of age is reasonable cause to suspect child abuse and neglect have occurred.

**722.623a Knowledge or suspicion of alcohol, controlled substance, or metabolite of controlled substance in body of newborn infant; report required; exception.**

Sec. 3a. In addition to the reporting requirement in section 3, a person who is required to report

suspected child abuse or neglect under section 3(1) and who knows, or from the child's symptoms has reasonable cause to suspect, that a newborn infant has any amount of alcohol, a controlled substance, or a metabolite of a controlled substance in his or her body shall report to the department in the same manner as required under section 3. A report is not required under this section if the person knows that the alcohol, controlled substance, or metabolite, or the child's symptoms, are the result of medical treatment administered to the newborn infant or his or her mother.

**722.624 Persons permitted to report child abuse or neglect.**

Sec. 4. In addition to those persons required to report child abuse or neglect under section 3, any person, including a child, who has reasonable cause to suspect child abuse or neglect may report the matter to the department or a law enforcement agency.

**722.625 Identity of reporting person; confidentiality; disclosure; immunity; good faith presumed.**

Sec. 5. Except for records available under section 7(2)(a) and (b), the identity of a reporting person is confidential subject to disclosure only with the consent of that person or by judicial process. A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement of this act is immune from civil or criminal liability that might otherwise be incurred by that action. A person making a report or assisting in any other requirement of this act is presumed to have acted in good faith. This immunity from civil or criminal liability extends only to acts done pursuant to this act and does not extend to a negligent act that causes personal injury or death or to the malpractice of a physician that results in personal injury or death.

**722.626 Detention of child in temporary protective custody; preliminary hearing; examinations; report; medical evaluation.**

Sec. 6. (1) If a child suspected of being abused or neglected is admitted to a hospital or brought to a hospital for outpatient services and the attending physician determines that the release of the child would endanger the child's health or welfare, the attending physician shall notify the person in charge and the department. The person in charge may detain the child in temporary protective custody until the next regular business day of the



probate court, at which time the probate court shall order the child detained in the hospital or in some other suitable place pending a preliminary hearing as required by section 14 of chapter 12A of Act No. 288 of the Public Acts of 1939, as amended, being section 712A.14 of the Michigan Compiled Laws, or order the child released to the child's parent, guardian, or custodian.

(2) When a child suspected of being an abused or neglected child is seen by a physician, the physician shall make the necessary examinations, which may include physical examinations, x-rays, photographs, laboratory studies, and other pertinent studies. The physician's written report to the department shall contain summaries of the evaluation, including medical test results.

(3) If a report is made by a person other than a physician, or if the physician's report is not complete, the department may request a court order for a medical evaluation of the child. The department shall have a medical evaluation made without a court order if the child's health is seriously endangered and a court order cannot be obtained.

**722.627 Central registry; availability of confidential records; closed court proceeding not required; notice to individuals; amending or expunging certain reports and records; hearing; evidence; release of reports compiled by law enforcement agency; information obtained by citizen review panel.**

Sec. 7. (1) The department shall maintain a statewide, electronic central registry to carry out the intent of this act.

(2) Unless made public as specified information released under section 7d, a written report, document, or photograph filed with the department as provided in this act is a confidential record available only to 1 or more of the following:

(a) A legally mandated public or private child protective agency investigating a report of known or suspected child abuse or neglect.

(b) A police or other law enforcement agency investigating a report of known or suspected child abuse or neglect.

(c) A physician who is treating a child whom the physician reasonably suspects may be abused or neglected.

(d) A person legally authorized to place a child in protective custody when the person is confronted with a child whom the person

reasonably suspects may be abused or neglected and the confidential record is necessary to determine whether to place the child in protective custody.

(e) A person, agency, or organization, including a multidisciplinary case consultation team, authorized to diagnose, care for, treat, or supervise a child or family who is the subject of a report or record under this act, or who is responsible for the child's health or welfare.

(f) A person named in the report or record as a perpetrator or alleged perpetrator of the child abuse or neglect or a victim who is an adult at the time of the request, if the identity of the reporting person is protected as provided in section 5.

(g) A court that determines the information is necessary to decide an issue before the court.

(h) A grand jury that determines the information is necessary in the conduct of the grand jury's official business.

(i) A person, agency, or organization engaged in a bona fide research or evaluation project. The person, agency, or organization shall not release information identifying a person named in the report or record unless that person's written consent is obtained. The person, agency, or organization shall not conduct a personal interview with a family without the family's prior consent and shall not disclose information that would identify the child or the child's family or other identifying information. The department director may authorize the release of information to a person, agency, or organization described in this subdivision if the release contributes to the purposes of this act and the person, agency, or organization has appropriate controls to maintain the confidentiality of personally identifying information for a person named in a report or record made under this act.

(j) A lawyer-guardian ad litem or other attorney appointed as provided by section 10.

(k) A child placing agency licensed under 1973 PA 116, MCL 722.111 to 722.128, for the purpose of investigating an applicant for adoption, a foster care applicant or licensee or an employee of a foster care applicant or licensee, an adult member of an applicant's or licensee's household, or other persons in a foster care or adoptive home who are directly responsible for the care and welfare of children, to determine suitability of a home for adoption or foster care. The child placing agency shall disclose the information to a foster care

applicant or licensee under 1973 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

(l) Juvenile court staff authorized by the court to investigate foster care applicants and licensees, employees of foster care applicants and licensees, adult members of the applicant's or licensee's household, and other persons in the home who are directly responsible for the care and welfare of children, for the purpose of determining the suitability of the home for foster care. The court shall disclose this information to the applicant or licensee.

(m) Subject to section 7a, a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children.

(n) The children's ombudsman appointed under the children's ombudsman act, 1994 PA 204, MCL 722.921 to 722.935.

(o) A child fatality review team established under section 7b and authorized under that section to investigate and review a child death.

(p) A county medical examiner or deputy county medical examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the purpose of carrying out his or her duties under that act.

(q) A citizen review panel established by the department. Access under this subdivision shall be limited to information the department determines is necessary for the panel to carry out its prescribed duties.

(r) A child care regulatory agency.

(3) Subject to subsection (9), a person or entity to whom information described in subsection (2) is disclosed shall make the information available only to a person or entity described in subsection (2). This subsection does not require a court proceeding to be closed that otherwise would be open to the public.

(4) If the department classifies a report of suspected child abuse or neglect as a central registry case, the department shall maintain a record in the central registry and, within 30 days after the classification, shall notify in writing each individual who is named in the record as a perpetrator of the child abuse or neglect. The notice shall set forth the individual's right to request expunction of the record and the right to a

hearing if the department refuses the request. The notice shall state that the record may be released under section 7d. The notice shall not identify the person reporting the suspected child abuse or neglect.

(5) A person who is the subject of a report or record made under this act may request the department to amend an inaccurate report or record from the central registry and local office file. A person who is the subject of a report or record made under this act may request the department to expunge from the central registry a report or record in which no relevant and accurate evidence of abuse or neglect is found to exist. A report or record filed in a local office file is not subject to expunction except as the department authorizes, when considered in the best interest of the child.

(6) If the department refuses a request for amendment or expunction under subsection (5), or fails to act within 30 days after receiving the request, the department shall hold a hearing to determine by a preponderance of the evidence whether the report or record in whole or in part should be amended or expunged from the central registry on the grounds that the report or record is not relevant or accurate evidence of abuse or neglect. The hearing shall be before a hearing officer appointed by the department and shall be conducted as prescribed by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(7) If the investigation of a report conducted under this act fails to disclose evidence of abuse or neglect, the information identifying the subject of the report shall be expunged from the central registry. If evidence of abuse or neglect exists, the department shall maintain the information in the central registry until the department receives reliable information that the perpetrator of the abuse or neglect is dead.

(8) In releasing information under this act, the department shall not include a report compiled by a police agency or other law enforcement agency related to an ongoing investigation of suspected child abuse or neglect. This subsection does not prevent the department from releasing reports of convictions of crimes related to child abuse or neglect.

(9) A member or staff member of a citizen review panel shall not disclose identifying

information about a specific child protection case to an individual, partnership, corporation, association, governmental entity, or other legal entity. A member or staff member of a citizen review panel is a member of a board, council, commission, or statutorily created task force of a governmental agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407. Information obtained by a citizen review panel is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**722.627a Availability of information, reports, and records to legislature; disclosure of or keeping confidential information as misdemeanor.**

Sec. 7a. (1) The department shall make information contained in the central registry and reports and records made pursuant to this act available to a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over protective services matters for children subject to all of the following:

(a) The department shall not provide confidential information protected by section 7 to the committee unless the committee members appointed and serving agree by roll call vote that the information is essential for the protection of Michigan children or for legislative oversight of the protective services program and that the confidential information will only be considered at a closed session of the committee. The affirmative vote required by this subdivision shall be by not less than the super majority required by section 7 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.267 of the Michigan Compiled Laws, and may serve as the vote required under that section for holding a closed session.

(b) In addition to compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws, a closed session held under this section shall comply with all of the following:

(i) Tape recording, camera, or other electronic equipment for documenting the proceedings shall not be permitted in the closed session.

(ii) Attendance at the closed session shall be limited to committee members, other members of the legislature and legislative staff at the discretion

of the chairperson, and staff members from the department designated by the director.

(2) A person who discloses or causes to be disclosed confidential information to which the person has gained access at a meeting held under this section is guilty of a misdemeanor. A person who keeps a confidential record or file, or a copy of a confidential record or file, at the conclusion of a closed session held under this section, which record or file is obtained at that meeting, is guilty of a misdemeanor.

**722.627b Child fatality review team; membership; review of child fatality; training and orientation; creation of advisory committee; publication of annual report; transmission of report to governor and legislature; disclosure of information; member of review team as member for purposes of § 691.1407.**

Sec. 7b. (1) By January 1, 1999, each county may have in place a standing child fatality review team. Two or more counties may appoint a single child fatality review team for those counties. The membership of a child fatality review team shall consist of at least all of the following:

(a) A county medical examiner or deputy county medical examiner appointed under 1963 PA 181, MCL 52.201 to 52.216.

(b) A representative of a local law enforcement agency.

(c) A representative of the department.

(d) The county prosecuting attorney or a designated assistant county prosecutor.

(e) A representative of the department of community health or a local health department.

(2) A child fatality review team established under subsection (1) shall review each child fatality occurring in the county or counties that established the child fatality review team.

(3) The department shall make available to each child fatality review team established under subsection (1) professional, interagency training and orientation on the review of child fatalities. The department shall make available, as necessary, training on specific types of child fatalities, investigation techniques, and prevention initiatives.

(4) By January 1, 1998, the department shall establish a multiagency, multidisciplinary advisory committee to identify and make recommendations on policy and statutory changes pertaining to child

fatalities and to guide statewide prevention, education, and training efforts.

(5) The advisory committee created under subsection (4) consists of the following:

- (a) Two representatives of the family independence agency.
- (b) Two representatives of the department of community health.
- (c) One county medical examiner.
- (d) One representative of law enforcement.
- (e) One county prosecuting attorney.
- (f) The children's ombudsman or his or her designee.

(6) Using the annual compilation of child fatalities reported by the state registrar under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899, and data received from the child fatality review teams established under subsection (1), the advisory committee established under subsection (4) shall publish an annual report on child fatalities. The advisory committee shall include in the report, at a minimum, all of the following:

- (a) The total number of child fatalities and the type or cause of each child fatality.
- (b) The number of child fatalities that occurred while the child was in foster care.
- (c) The number of cases where the child's death occurred within 5 years after family preservation or family reunification.
- (d) Trends in child fatalities.

(7) The advisory committee established under subsection (4) shall break down the information required under subsection (6) by county or by groups of counties as described in subsection (1). The information contained in the report is public information. The advisory committee shall not include identifying information of persons named in the report. The advisory committee shall transmit a copy of the report required under subsection (6) to the governor and to the standing committees of the legislature with jurisdiction over matters pertaining to child protection.

(8) Information obtained by a child fatality review team established under subsection (1) is confidential and may be disclosed by the child fatality review team only to the department, the children's ombudsman, the county prosecutor's office, local law enforcement, or another child fatality review team. The information is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) An individual who is a member of a child fatality review team established under subsection (1) or of the advisory committee established under subsection (4) is a member of a board, council, commission, or statutorily created task force of a governmental agency for the purposes of section 7 of 1964 PA 170, MCL 691.1407.

#### **722.627c Release of information from child protective services records; decision by director; determination.**

Sec. 7c. (1) Sections 7d to 7i govern the director's decisions to release specified information from child protective services records.

(2) The director may designate another individual to act for the director under sections 7d to 7i, and a reference to the director under those sections applies to an individual designated by the director.

(3) For the purposes of sections 7d to 7i, a child's best interest shall be determined based on all of the following:

- (a) Protection of the child's safety.
- (b) Preservation of the child's physical, mental, and emotional health.
- (c) Consideration of the child's likelihood of establishing a successful and timely permanent family and community relationship.

(4) Sections 7d to 7i do not subject a report or record that is confidential under this act to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

#### **722.627d Release of information by director; preliminary decision to release or deny information; extension of time period; evidence.**

Sec. 7d. (1) Subject to sections 7c to 7i, at the director's initiative or upon written request, the director may release specified information. If a written request for specified information is submitted to the department, the director shall make a preliminary decision to release or to deny release of the specified information within 14 days after receipt of the request. After notifying the requester, the director may extend that time period for an additional 14 days if the additional time is necessary to research and compile the requested specified information.

(2) The director may release specified information under this section if there is clear and convincing evidence that either of the following is true:

(a) The release of the specified information is in the best interest of the child to whom the specified information relates.

(b) The release of the specified information is not in conflict with the best interest of the child to whom the specified information relates, and 1 or more of the following are true:

(i) The release is in the best interest of a member of the child's family or of an individual who resides in the same home in which the child resides. For the purposes of this subparagraph, the child's family includes the child's parents, legal guardians, grandparents, and siblings.

(ii) The release clarifies actions taken by the department on a specific case.

(iii) The report or record containing the specified information concerns a child who has died or concerns a member of that child's family.

(iv) All or part of the report or record containing the specified information is publicly disclosed in a judicial proceeding.

(v) A child abuse or neglect complaint or investigation to which the report or record containing the specified information relates has been part of the subject matter of a published or broadcast media story.

(vi) The report or record containing the specified information concerns a substantiated report of sexual abuse, serious injury, or life threatening harm involving the child or a sibling of the child identified in the request.

#### **722.627e Release of information by director; prohibitions.**

Sec. 7e. (1) The director shall not deny a request for specified information under section 7d based upon a desire to shield a lack of or an inappropriate performance by the department.

(2) Regardless of the director's determination that specified information may be released under section 7d, the director shall not release the specified information if 1 or more of the following are true:

(a) The request for release does not include information sufficient to identify the specific case to which the request relates.

(b) An investigation of the report of child abuse or neglect to which the specified information relates is in progress and the report has not been substantiated or unsubstantiated.

(c) A hearing is pending under section 7(6).

(d) There is an ongoing criminal investigation and, as determined by the local prosecuting attorney, release would interfere with the criminal investigation.

(e) The individual who submits the request is serving a sentence of imprisonment in a state, county, or federal correctional facility in this state or in another state.

(f) The child to whom the report or record relates is 18 years of age or older.

#### **722.627f Release of information by director; preliminary decision to release or deny request; notice; final decision; writing; right to appeal.**

Sec. 7f. (1) Not less than 14 days before specified information is released or within 14 days after making a decision to deny a request for release of specified information under section 7d, the director shall give notice as provided in this subsection and section 7g of a preliminary decision to release or to deny a request to release specified information. The notice shall be in writing and shall be made by personal service or by registered or certified mail, return receipt requested and deliverable to the addressee only. The notice shall include at least all of the following:

(a) The basis on which the specified information is being released or the basis for denial of the request for release.

(b) A statement that the decision becomes a final decision unless information that could be the basis for a different decision is submitted to the director in writing within 14 days after the notice is given.

(c) A statement that there is a right to appeal a final decision as provided in section 7h. The notice shall include information regarding where to file the appeal and describing appellate procedures.

(2) If, within 14 days after giving notice, the director does not receive information in writing that could be the basis for a different decision, the director's decision is final.

(3) If the director does receive information as described in subsection (2), the director shall make a final decision to release or deny a request to release the specified information within 7 days after receipt of the information. The director shall give notice of a final decision made under this subsection to each individual required to be notified under section 7g(1) or (2). The notice required by this subsection shall be in writing and shall include at least notification of the right to appeal a final decision as provided in section 7h.



**722.627g Release of information by director; individuals to be notified.**

Sec. 7g. (1) If the director decides to release specified information under section 7d, the department shall give each notice required under section 7f to each of the following:

(a) Each individual named in the report as a perpetrator or an alleged perpetrator of the child's abuse or neglect, unless the individual named in the report has been convicted of a crime relating to the abuse or neglect, and no appeal is pending.

(b) Each parent or legal guardian of the child.

(c) Each attorney representing the child who is the subject of the case, or representing an individual listed in subdivision (a) or (b), if the department has notice of that representation.

(d) The child's guardian ad litem.

(2) If the director denies a request for release of information under section 7d, the department shall notify only the requesting person.

(3) If an individual required to be notified under subsection (1)(a) is named as a perpetrator of child abuse or neglect in a report that contains specified information requested to be released, and that individual was not previously notified under section 7(4), the department shall notify that individual as required by section 7(4) not less than 14 days before the specified information is released. If an individual who is required to be notified under this subsection requests expunction of the record within 14 days after the notice is given, the specified information shall not be released under this section until the procedures governing expunction under section 7 are completed. If an individual who is required to be notified under this subsection does not request expunction within 14 days, the procedures for release of specified information under sections 7c to 7i shall be followed, and the individual does not have a right to appeal the decision to release.

**722.627h Appeal of director's decision.**

Sec. 7h. (1) Before the release of specified information under section 7d and except as provided in section 7g, an individual required to be notified under section 7g may appeal the director's decision to the circuit court. If an appeal is filed and the department notified before the release, the specified information shall not be released until the

decision to release is upheld by the circuit court. If the director denies a request to release specified information under section 7d, within 30 days after notice of the denial, the person whose request is denied may file an appeal of the denial with the circuit court. The court shall uphold a decision to release or to deny release of specified information unless the court finds that the director's decision was an abuse of the director's discretion based upon the criteria for releasing or not releasing specified information prescribed by sections 7c to 7i.

(2) Proceedings on an appeal filed under this section are confidential, and any record of these proceedings shall not be released unless the court upholds a decision to release specified information or reverses the denial of a request for release. The court shall conduct its review so that a person whose request for specified information was denied does not have access to that specified information during the appeal proceedings.

(3) If the court reverses the director's decision to release or to deny release of specified information in an appeal under this section, the court may order the department to pay the appellant's costs and reasonable attorney fees that are related to the appeal.

**722.627i Fee; federal assurances and waivers.**

Sec. 7i. (1) The department may charge a fee for a copy of specified information released under section 7d in the same manner that a public body is authorized to charge a fee under section 4 of the freedom of information act, 1976 PA 442, MCL 15.234.

(2) Sections 7c to 7i shall not be enforced and the family independence agency shall not utilize or implement those provisions unless the family independence agency consults with and receives assurances from the federal government, including any necessary federal waivers, that utilization and implementation of those provisions do not jeopardize this state's receipt of federal money.

**722.627j Individual not named in central registry case as perpetrator of child abuse or neglect; documentation; request; automated system; definitions.**

Sec. 7j. (1) Upon written request, the department may provide to an individual documentation

stating that the individual is not named in a central registry case as the perpetrator of child abuse or child neglect. The written request required under this section shall include the individual's affirmation that he or she is employed by, volunteers at, is applying for employment in, or is seeking to volunteer in a child care center, child caring institution, or child placing agency.

(2) For the purpose of applying for employment or seeking to volunteer in a child care center, child caring institution, or child placing agency, an individual may share the document provided in subsection (1) with the child care center owner or licensee, or a child caring institution or child placing agency, or an individual authorized by the child care center owner or licensee, the child caring institution, or the child placing agency.

(3) The family independence agency may develop an automated system that will allow an individual applying for child-related employment or seeking to volunteer in a capacity that would allow unsupervised access to a child for whom the individual is not a person responsible for that child's health or welfare to be listed in that system if a screening of the individual finds that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect. The automated system developed under this section shall provide for public access to the list of individuals who have been screened for the purposes of complying with this section. An automated system developed under this section shall have appropriate safeguards and procedures to ensure that information that is confidential under this act, state law, or federal law is not accessible or disclosed through that system.

(4) For the purposes of this section or section 7(2)(k) or (l), a case investigated before July 1, 1999 and entered in the central registry is considered a central registry case if that case meets the criteria under section 8(3)(a), (b), or (c).

(5) As used in this section, "child care center", "child caring institution", and "child placing agency" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

**722.628 Referring report or commencing investigation; informing parent or legal guardian of investigation; duties of department;**

**assistance of and cooperation with law enforcement officials; procedures; proceedings by prosecuting attorney; cooperation of school or other institution; information as to disposition of report; exception to reporting requirement.**

Sec. 8. (1) Within 24 hours after receiving a report made under this act, the department shall refer the report to the prosecuting attorney if the report meets the requirements of section 3(6) or shall commence an investigation of the child suspected of being abused or neglected. Within 24 hours after receiving a report whether from the reporting person or from the department under section 3(6), the local law enforcement agency shall refer the report to the department if the report meets the requirements of section 3(7) or shall commence an investigation of the child suspected of being abused or neglected. If the child suspected of being abused is not in the physical custody of the parent or legal guardian and informing the parent or legal guardian would not endanger the child's health or welfare, the agency or the department shall inform the child's parent or legal guardian of the investigation as soon as the agency or the department discovers the identity of the child's parent or legal guardian.

(2) In the course of its investigation, the department shall determine if the child is abused or neglected. The department shall cooperate with law enforcement officials, courts of competent jurisdiction, and appropriate state agencies providing human services in relation to preventing, identifying, and treating child abuse and neglect; shall provide, enlist, and coordinate the necessary services, directly or through the purchase of services from other agencies and professions; and shall take necessary action to prevent further abuses, to safeguard and enhance the child's welfare, and to preserve family life where possible.

(3) In conducting its investigation, the department shall seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware that 1 or more of the following conditions exist:

(a) Abuse or neglect is the suspected cause of a child's death.

(b) The child is the victim of suspected sexual abuse or sexual exploitation.

(c) Abuse or neglect resulting in severe physical injury to the child requires medical treatment or

hospitalization. For purposes of this subdivision and section 17, "severe physical injury" means brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, severe cuts, or any other physical injury that seriously impairs the health or physical well-being of a child.

(d) Law enforcement intervention is necessary for the protection of the child, a department employee, or another person involved in the investigation.

(e) The alleged perpetrator of the child's injury is not a person responsible for the child's health or welfare.

(4) Law enforcement officials shall cooperate with the department in conducting investigations under subsections (1) and (3) and shall comply with sections 5 and 7. The department and law enforcement officials shall conduct investigations in compliance with the protocols adopted and implemented as required by subsection (6).

(5) Involvement of law enforcement officials under this section does not relieve or prevent the department from proceeding with its investigation or treatment if there is reasonable cause to suspect that the child abuse or neglect was committed by a person responsible for the child's health or welfare.

(6) In each county, the prosecuting attorney and the department shall develop and establish procedures for involving law enforcement officials as provided in this section. In each county, the prosecuting attorney and the department shall adopt and implement standard child abuse and neglect investigation and interview protocols using as a model the protocols developed by the governor's task force on children's justice as published in FIA Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or an updated version of those publications.

(7) If there is reasonable cause to suspect that a child in the care of or under the control of a public or private agency, institution, or facility is an abused or neglected child, the agency, institution, or facility shall be investigated by an agency administratively independent of the agency, institution, or facility being investigated. If the investigation produces evidence of a violation of section 145c or sections 520b to 520g of the Michigan penal code, 1931 PA 328,

MCL 750.145c and 750.520b to 750.520g, the investigating agency shall transmit a copy of the results of the investigation to the prosecuting attorney of the county in which the agency, institution, or facility is located.

(8) A school or other institution shall cooperate with the department during an investigation of a report of child abuse or neglect. Cooperation includes allowing access to the child without parental consent if access is determined by the department to be necessary to complete the investigation or to prevent abuse or neglect of the child. However, the department shall notify the person responsible for the child's health or welfare about the department's contact with the child at the time or as soon afterward as the person can be reached. The department may delay the notice if the notice would compromise the safety of the child or child's siblings or the integrity of the investigation, but only for the time 1 of those conditions exists.

(9) If the department has contact with a child in a school, all of the following apply:

(a) Before contact with the child, the department investigator shall review with the designated school staff person the department's responsibilities under this act and the investigation procedure.

(b) After contact with the child, the department investigator shall meet with the designated school staff person and the child about the response the department will take as a result of contact with the child. The department may also meet with the designated school staff person without the child present and share additional information the investigator determines may be shared subject to the confidentiality provisions of this act.

(c) Lack of cooperation by the school does not relieve or prevent the department from proceeding with its responsibilities under this act.

(10) A child shall not be subjected to a search at a school that requires the child to remove his or her clothing to expose his buttocks or genitalia or her breasts, buttocks, or genitalia unless the department has obtained an order from a court of competent jurisdiction permitting such a search. If the access occurs within a hospital, the investigation shall be conducted so as not to interfere with the medical treatment of the child or other patients.



(11) The department shall enter each report made under this act that is the subject of a field investigation into the CPSI system. The department shall maintain a report entered on the CPSI system as required by this subsection until the child about whom the investigation is made is 18 years old or until 10 years after the investigation is commenced, whichever is later, or, if the case is classified as a central registry case, until the department receives reliable information that the perpetrator of the abuse or neglect is dead. Unless made public as specified information released under section 7d, a report that is maintained on the CPSI system is confidential and is not subject to the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) After completing a field investigation and based on its results, the department shall determine in which single category, prescribed by section 8d, to classify the allegation of child abuse or neglect.

(13) Except as provided in subsection (14), upon completion of the investigation by the local law enforcement agency or the department, the law enforcement agency or department may inform the person who made the report as to the disposition of the report.

(14) If the person who made the report is mandated to report under section 3, upon completion of the investigation by the department, the department shall inform the person in writing as to the disposition of the case and shall include in the information at least all of the following:

(a) What determination the department made under subsection (12) and the rationale for that decision.

(b) Whether legal action was commenced and, if so, the nature of that action.

(c) Notification that the information being conveyed is confidential.

(15) Information sent under subsection (14) shall not include personally identifying information for a person named in a report or record made under this act.

(16) Unless section 5 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the department, the surrender of a newborn in compliance with chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is not reasonable

cause to suspect child abuse or neglect and, therefore, is not subject to the section 3 reporting requirement. This subsection does not apply to circumstances that arise on or after the date that chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is repealed. This subsection applies to a newborn whose birth is described in the born alive infant protection act and who is considered to be a newborn surrendered under the safe delivery of newborns law as provided in section 3 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.3.

**722.628a Execution of notices by prosecuting attorney of individuals bound over to circuit court for certain crimes; notification upon final disposition; confidentiality.**

Sec. 8a. (1) If an individual is bound over to circuit court for any of the following crimes, the prosecuting attorney shall execute the notices as prescribed by subsections (2) to (5):

(a) Criminal sexual conduct in the first, second, or third degree in violation of section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d.

(b) Assault with intent to commit criminal sexual conduct in violation of section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g.

(c) A felonious attempt or a felonious conspiracy to commit criminal sexual conduct.

(d) An assault on a child that is punishable as a felony.

(e) Child abuse in the first, second, or third degree, in violation of section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

(f) Involvement in child sexually abusive material or child sexually abusive activity in violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(2) If the individual is an employee of a nonpublic school as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, the prosecuting attorney shall notify the governing body of the nonpublic school.

(3) If the individual is an employee of a school district or intermediate school district, the prosecuting attorney shall notify the superintendent of the school district or intermediate school district.

(4) If the individual is an employee of the department who provides a service to children and youth as described in section 115 of the social welfare act, 1939 PA 280, MCL 400.115, the prosecuting attorney shall notify the county director of social services or the superintendent of the training school.

(5) If the individual is a child care provider, the prosecuting attorney shall notify the department, the owner or operator of the child care provider's child care organization or adult foster care location authorized to care for a child, and the child care regulatory agency with authority over that child care organization or adult foster care location authorized to care for a child.

(6) Upon final disposition of a criminal matter for which a notice was given under subsections (2) to (5), the prosecuting attorney shall notify each person previously notified under subsections (2) to (5) of that disposition.

(7) A person who is notified or otherwise receives information under this section shall keep the information received confidential except so far as disclosure is necessary to take appropriate action in response to the information.

#### **722.628b Referral of case to prosecuting attorney.**

Sec. 8b. If a central registry case involves a child's death, serious physical injury of a child, or sexual abuse or exploitation of a child, the department shall refer the case to the prosecuting attorney for the county in which the child is located. The prosecuting attorney shall review the investigation of the case to determine if the investigation complied with the protocol adopted as required by section 8.

#### **722.628c Interview with child.**

Sec. 8c. During an investigation of suspected child abuse or neglect, the child reported to have been abused or neglected shall not be interviewed in the presence of an individual suspected to have perpetrated the abuse.

#### **722.628d Categories and departmental response; listing in child abuse or neglect registry; report to legislature.**

Sec. 8d. (1) For the department's determination required by section 8, the categories, and the

departmental response required for each category, are the following:

(a) Category V - services not needed. Following a field investigation, the department determines that there is no evidence of child abuse or neglect.

(b) Category IV - community services recommended. Following a field investigation, the department determines that there is not a preponderance of evidence of child abuse or neglect, but the structured decision-making tool indicates that there is future risk of harm to the child. The department shall assist the child's family in voluntarily participating in community-based services commensurate with the risk to the child.

(c) Category III - community services needed. The department determines that there is a preponderance of evidence of child abuse or neglect, and the structured decision-making tool indicates a low or moderate risk of future harm to the child. The department shall assist the child's family in receiving community-based services commensurate with the risk to the child. If the family does not voluntarily participate in services, or the family voluntarily participates in services, but does not progress toward alleviating the child's risk level, the department shall consider reclassifying the case as category II.

(d) Category II - child protective services required. The department determines that there is evidence of child abuse or neglect, and the structured decision-making tool indicates a high or intensive risk of future harm to the child. The department shall open a protective services case and provide the services necessary under this act. The department shall also list the perpetrator of the child abuse or neglect, based on the report that was the subject of the field investigation, on the central registry, either by name or as "unknown" if the perpetrator has not been identified.

(e) Category I - court petition required. The department determines that there is evidence of child abuse or neglect and 1 or more of the following are true:

(i) A court petition is required under another provision of this act.

(ii) The child is not safe and a petition for removal is needed.

(iii) The department previously classified the case as category II and the child's family does not voluntarily participate in services.

(iv) There is a violation, involving the child, of a crime listed or described in section 8a(1)(b), (c), (d), or (f) or of child abuse in the first or second degree as prescribed by section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

(2) In response to a category I classification, the department shall do all of the following:

(a) If a court petition is not required under another provision of this act, submit a petition for authorization by the court under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(b) Open a protective services case and provide the services necessary under this act.

(c) List the perpetrator of the child abuse or neglect, based on the report that was the subject of the field investigation, on the central registry, either by name or as “unknown” if the perpetrator has not been identified.

(3) The department is not required to use the structured decision-making tool for a nonparent adult who resides outside the child’s home who is the victim or alleged victim of child abuse or neglect or for an owner, operator, volunteer, or employee of a licensed or registered child care organization or a licensed or unlicensed adult foster care family home or adult foster care small group home as those terms are defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(4) If following a field investigation the department determines that there is a preponderance of evidence that an individual listed in subsection (3) was the perpetrator of child abuse or neglect, the department shall list the perpetrator of the child abuse or neglect on the central registry.

(5) The department shall furnish a written report described in subsection (6) to the appropriate legislative standing committees and the house and senate appropriations subcommittees for the department within 4 months after each of the following time periods:

(a) Beginning October 1, 1999 and ending September 30, 2000.

(b) Beginning October 1, 2000 and ending September 30, 2001.

(c) Beginning October 1, 2001 and ending September 30, 2002.

(6) The department shall include in a report required by subsection (5) at least all of the following information regarding all families that were classified in category III at some time during the time period covered by the report:

(a) The total number of families classified in category III.

(b) The number and percentage classified in category III that voluntarily participated in services and that did not participate in services.

(c) The number for which the department entered more than 1 determination that there was evidence of child abuse or neglect.

(d) The number the department reclassified from category III to category II.

### **722.629 Multidisciplinary services; biennial report; continuing education programs; dissemination of information.**

Sec. 9. (1) The department, in discharging its responsibilities under this act, shall provide, directly or through the purchase of services from other agencies and professions, multidisciplinary services such as those of a pediatrician, psychologist, psychiatrist, public health nurse, social worker, or attorney through the establishment of regionally based or strategically located teams. The department shall prepare a biennial report to the legislature containing information on the activities of the teams created pursuant to this subsection and including recommendations by the teams and the department regarding child abuse and neglect when committed by persons responsible for the child’s health or welfare.

(2) The department shall assure a continuing education program for department, probate court, and private agency personnel. The program shall include responsibilities, obligations, and powers under this act and the diagnosis and treatment of child abuse and neglect when committed by persons responsible for the child’s health or welfare.

(3) The department shall provide for the dissemination of information to the general public with respect to the problem of child abuse and neglect in this state and the facilities, prevention, and treatment methods available to combat child abuse and neglect when committed by persons responsible for the child’s health or welfare.

### **722.629a Annual report.**

Sec. 9a. The agency within the department that is responsible for administering and providing services under this act shall make an annual comprehensive report to the legislature that includes at least all of the following:

(a) Statistical information including at least all of the following:

(i) Total reports of abuse and neglect investigated under this act and the number that were substantiated and unsubstantiated.

(ii) Characteristics of perpetrators of abuse and neglect and the child victims such as age, sex, relationship, socioeconomic status, race, and ethnicity.

(iii) The occupation or description listed under section 3 in which the individual who made the report fits, or other description if the individual is not within a group required to report under this act.

(iv) Statistics relating to the central registry such as number of individuals and their characteristics.

(v) Statistics relating to the basis for determining that reported cases of abuse or neglect are unsubstantiated.

(b) Policy related to child protective services including, but not limited to, major policy changes and court decisions affecting the administration of this act.

### **722.630 Lawyer-guardian ad litem.**

Sec. 10. In each case filed under this act in which judicial proceedings are necessary, the court shall appoint a lawyer-guardian ad litem to represent the child. A lawyer-guardian ad litem represents the child and has powers and duties in relation to that representation as set forth in section 17d of chapter XIIA of 1939 PA 288, MCL 712A.17d. All provisions of section 17d of chapter XIIA of 1939 PA 288, MCL 712A.17d, apply to a lawyer-guardian ad litem appointed under this act.

### **722.631 Privileged communications.**

Sec. 11. Any legally recognized privileged communication except that between attorney and client or that made to a member of the clergy in his or her professional character in a confession or similarly confidential communication is abrogated and shall not constitute grounds for excusing a report otherwise required to be made or for excluding evidence in a civil child protective

proceeding resulting from a report made pursuant to this act. This section does not relieve a member of the clergy from reporting suspected child abuse or child neglect under section 3 if that member of the clergy receives information concerning suspected child abuse or child neglect while acting in any other capacity listed under section 3.

### **722.632 Report to law enforcement officials or probate court.**

Sec. 12. This act shall not prohibit a person who has reasonable cause to suspect child abuse or neglect from making a report to the appropriate law enforcement officials or probate court.

### **722.632a Investigations by hospital, school, or other agency.**

Sec. 12a. This act does not preclude or hinder a hospital, school, or other agency from investigating reported claims of child abuse or neglect by its employees or from taking disciplinary action based upon that investigation against its employees.

### **722.633 Failure to report suspected child abuse or neglect; damages; violation as misdemeanor; unauthorized dissemination of information as misdemeanor; civil liability; maintaining report or record required to be expunged as misdemeanor; false report of child abuse or neglect.**

Sec. 13. (1) A person who is required by this act to report an instance of suspected child abuse or neglect and who fails to do so is civilly liable for the damages proximately caused by the failure.

(2) A person who is required by this act to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) Except as provided in section 7, a person who disseminates, or who permits or encourages the dissemination of, information contained in the central registry and in reports and records made as provided in this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and is civilly liable for the damages proximately caused by the dissemination.

(4) A person who willfully maintains a report or record required to be expunged under section 7 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(5) A person who intentionally makes a false report of child abuse or neglect under this act knowing that the report is false is guilty of a crime as follows:

(a) If the child abuse or neglect reported would not constitute a crime or would constitute a misdemeanor if the report were true, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(b) If the child abuse or neglect reported would constitute a felony if the report were true, the person is guilty of a felony punishable by the lesser of the following:

(i) The penalty for the child abuse or neglect falsely reported.

(ii) Imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

#### **722.634 Religious beliefs.**

Sec. 14. A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by state law to a child where the child's health requires it nor does it abrogate the responsibility of a person required to report child abuse or neglect.

#### **722.635 Repeal of §§ 722.571 to 722.575.**

Sec. 15. Act No. 98 of the Public Acts of 1964, being sections 722.571 to 722.575 of the Compiled Laws of 1970, is repealed.

#### **722.636 Effective date.**

Sec. 16. This act shall take effect October 1, 1975.

#### **722.637 Submission of petition for authorization under § 712A.2.**

Sec. 17. Within 24 hours after the department determines that a child was severely physically injured as defined in section 8 or sexually abused,

the department shall submit a petition for authorization by the court under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2.

#### **722.638 Submission of petition for authorization under § 712A.2; conditions; request for termination of parental rights; conference.**

Sec. 18. (1) The department shall submit a petition for authorization by the court under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, if 1 or more of the following apply:

(a) The department determines that a parent, guardian, or custodian, or a person who is 18 years of age or older and who resides for any length of time in the child's home, has abused the child or a sibling of the child and the abuse included 1 or more of the following:

(i) Abandonment of a young child.

(ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.

(iii) Battering, torture, or other severe physical abuse.

(iv) Loss or serious impairment of an organ or limb.

(v) Life threatening injury.

(vi) Murder or attempted murder.

(b) The department determines that there is risk of harm to the child and either of the following is true:

(i) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state.

(ii) The parent's rights to another child were voluntarily terminated following the initiation of proceedings under section 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law of another state.

(2) In a petition submitted as required by subsection (1), if a parent is a suspected perpetrator or is suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to eliminate that risk, the family independence agency shall include a request for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b.

(3) If the department is considering petitioning for termination of parental rights at the initial dispositional hearing as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b, even though the facts of the child's case do not require departmental action under subsection (1), the department shall hold a conference among the appropriate agency

personnel to agree upon the course of action. The department shall notify the attorney representing the child of the time and place of the conference, and the attorney may attend. If an agreement is not reached at this conference, the department director or the director's designee shall resolve the disagreement after consulting the attorneys representing both the department and the child.